

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

LEE V.O.,¹

Plaintiff,

V.

KILOLO KIJAKAZI,
Acting Commissioner,
Social Security Administration,

Defendant.

Civil Action No. 5:21-cv-00038

By: Elizabeth K. Dillon
United States District Judge

MEMORANDUM OPINION AND ORDER

Plaintiff Lee V.O. brought this action seeking review of the final decisions made by defendant Kilolo Kijakazi, Acting Commissioner of the Social Security Administration (“the Commissioner”), denying her applications for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401–434, 1381–1383f. (Compl., Dkt. No. 1.) The Commissioner moved for summary judgment under Federal Rule of Civil Procedure 56(b). (Dkt. No. 15.) Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motions to U.S. Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On September 2, 2022, the magistrate judge issued his R&R, recommending that the court deny the Commissioner's motion for summary judgment, reverse the Commissioner's final decisions denying Lee's DIB claim and denying Lee's SSI claim for the period between February 2018 and July 2019, and remand the matter under sentence four of 42 U.S.C. § 405(g).

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

(R&R, Dkt. No. 20.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.*)

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error. Accordingly, the court hereby ORDERS as follows:

1. The R&R (Dkt. No. 20) is ADOPTED;
2. The Commissioner’s motion for summary judgment (Dkt. No. 15) is DENIED;
3. The Commissioner’s final decisions are REVERSED; and
4. The matter is REMANDED for further administrative proceedings under the fourth sentence of 42 U.S.C. § 405(g).

An appropriate judgment order will be entered.

Entered: September 20, 2022.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge